

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

Duval Fludd

Case No. 20-MJ-395

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

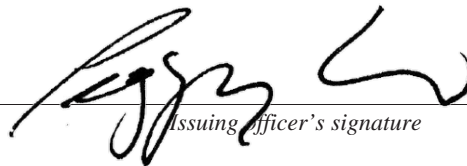
YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) DUVAL FLUDD,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Felon in possession of a firearm, in violation of 18 USC 922(g)(1)

Date: 05/26/2020


Issuing officer's signature

City and state: Brooklyn, New York

U.S. Magistrate Judge Peggy Kuo
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

AB:RMP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 922(g)(1))

DUVAL FLUDD,

Case No. 20-MJ-395

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL MCCARTHY, being duly sworn, deposes and states that he is a Detective with the New York City Police Department, duly appointed according to law and acting as such.

On or about May 14, 2020, within the Eastern District of New York, the defendant DUVAL FLUDD, knowing that he had previously been convicted in a court of one or more crimes punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting interstate or foreign commerce a firearm and ammunition, to wit: a 38 special caliber Model 64-3 Smith & Wesson revolver bearing serial number 1D81479, and five 38 special caliber cartridges inside the firearm's cylinder.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Detective with the New York City Police Department ("NYPD") and have been involved in the investigation of numerous cases involving the recovery of firearms and ammunition. I am familiar with the facts and circumstances set forth below from my participation in this investigation; my review of body camera and surveillance camera video, as well as documents, records and reports, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in sum and substance and in part.

2. On May 14, 2020, at approximately 2:00 p.m., two NYPD police officers and one Sergeant (all three collectively, the "officers")² were on patrol in an unmarked car and in plainclothes in an area of the Canarsie neighborhood in Brooklyn, New York. The officers were traveling north on East 78th Street when they stopped at a red light at Farragut Road. They saw a small group of people walking east on Farragut Road and crossing East 78th Street directly in front of the officers' vehicle, from the officers' left to their right.

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not described every fact learned during the course of the investigation.

² For convenience I use titular designations to refer to multiple law enforcement personnel who were involved in the arrest of this defendant. The identity of each of these individuals is known to me, and I interviewed or was present at interviews of each of them about the events described herein.

3. When the group reached the southeast corner of the intersection of East 78th Street and Farragut Road, or immediately thereafter, an unknown dark-colored vehicle traveling east on Farragut Road pulled up from behind the group and slowed to a stop beside them. The officers saw one of the men in the group raise the right side of his shirt while staring at the unknown vehicle, which revealed a handgun in his waistband. That man, who the officers would later learn was DUVAL FLUDD, put his hand on the gun and began to withdraw it, as if he were about to point it at the occupants of the unknown vehicle.

4. The Sergeant, who was driving the officers' vehicle, quickly pulled their vehicle forward and the other two officers got out of the car and identified themselves as police. The group of people immediately ran and scattered, and FLUDD ran east on Farragut Road. The Sergeant continued to drive alongside FLUDD, while the other two officers pursued him on foot. FLUDD dropped or threw a cellphone, which Officer-1 recovered.


5. FLUDD turned right on East 80th Street, and ran south as the officers pursued him on foot and by vehicle. FLUDD then turned right into the gated yard area of a private residence on East 80th Street. The Sergeant, from his vehicle, saw FLUDD throw something into the bushes in front of the home, and trip over a low garden railing on his way out of the gated area back to the sidewalk. The Sergeant pulled over and got out of his car, and ran toward FLUDD while telling him to show his hands, and by then Officer-1 had caught up in foot pursuit and joined the Sergeant. FLUDD, who was starting to get up after tripping, stayed on the ground and surrendered to the officers. This sequence of events in front of the private residence was corroborated by video recovered from a doorbell camera at that residence.

6. The officers placed FLUDD under arrest and he was transported to the 69th Precinct for processing. The officers located and recovered the gun that FLUDD had thrown into the bushes, which was a loaded 38 special caliber Model 64-3 Smith & Wesson revolver.

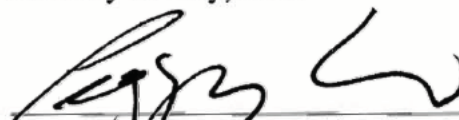
7. I have reviewed FLUDD's criminal history, which revealed (among other things) a 2014 conviction in Vermont for heroin trafficking in violation 18 V.S.A. § 4233(c) and possession of at least 2.5 grams of cocaine in violation of 18 V.S.A. § 4231(a)(2), for which FLUDD was sentenced to a term of imprisonment of three years and one day.

8. I have conferred with an Interstate Nexus expert with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, who has informed me, in substance and in part, that the recovered firearm, a 38 special caliber Model 64-3 Smith & Wesson revolver, was manufactured outside the state of New York.

WHEREFORE, your deponent respectfully requests that the defendant DUVAL FLUDD be dealt with according to law.


MICHAEL MCCARTHY
Detective, New York City Police Department

Sworn to before me by telephone this
26th day of May, 2020


THE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK